D.B.CIVIL SPECIAL APPEAL NO. 687/2007
Kuldeep Tiwari
v.
State of Rajathan & ors.
Date of order : 15.05.2007.

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

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Shri Ravi Kasliwal for the appellant

This special appeal is directed against the order of the learned Single Judge dismissing the writ petition of the appellant.

The dispute relates to transfer and the appellant had challenged the order of the Rajasthan Civil Services Appellate Tribunal refusing to interfere with the transfer order.

The scope of judicial review against orders of transfer and posting is well settled by catena of decisions of the Apex Court. Transfer is exigency of service and the High Court can interfere only when transfer is made in violation of some statutory rule or when the order is found to be grossly arbitrary or in the case of mala fide. The case of the appellant is that he has been subjected to successive transfer orders. Further, it is said that he should be allowed to continue at Ajmer so that he may prosecute the case involving murder of his brother.

Transfers made by various orders referred to by the counsel appear to be infructuous as they were cancelled soon after. So

far as the other ground is concerned, we find no substance in the contention that he should be allowed to continue at Ajmer so that he can prosecute the criminal case. No ground to warrant interference has been made out.

Appeal is dismissed.

As regards the grievance of the appellant that he has not been paid salary for three years, we direct that on appellant's joining at Barmer, where he has been posted, he will be paid salary etc. forthwith as per rules.

(MOHAMMAD RAFIQ), J. (S.N.JHA), C.J.

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